

**REMARKS**

This response under 37 CFR 1.312 is being made merely to properly document the agreement reached during an Examiner-initiated interview held on September 4, 2008 between Applicants' representative and Examiner Nguyen. Applicants wish to thank Examiner Nguyen for initiating the interview and for her helpful demeanor. At the time, the application was under final rejection, and a Notice of Appeal and Appeal Brief had been filed by the applicants. The Examiner telephoned the Applicants' representative and stated that: if the limitations of claims 6 and 7 were included in the independent claims, that the claims would be allowable over the cited art. No discussion or arguments for allowability were presented to the Examiner at that time. Applicants agreed to allow incorporation of the limitations of claims 6 and 7 into the independent claim, and requested that the Examiner do this by Examiner amendment. The Examiner has done so (properly) with the Examiner's amendment of September 18, 2008. The listing of the claims presented in the instant communication reflect the current status of the claims after the Examiner's amendment. Applicants' motivation to file the instant communication is merely to establish and make clear; and commit to an official document and into the record, that the Telephonic Interview of September 4, 2008 was initiated by the Examiner, that the Examiner stated that the independent claims would over-come standing rejections if the limitations of claims 6 and 7 were incorporated in them, and that no discussion of why the claims should be allowable, nor evaluation of the prior art, was made by either the Examiner or the Applicants' representative during the telephonic interview. Again, this is for purposes of clarity, and so that the substance of the interview is committed to the record.

Applicants note that the fee transmittal sheet (PTOL-85) will be completed and returned shortly, with the authorization to charge the appropriate issue and other fees due. Currently, no fee is believed due with regard to the filing of this response. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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Date: September 23, 2008